

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Abingdon Division**

KYMBERLY HOBBS,
ADMINISTRATOR OF THE ESTATE OF
CHARLES JAMES GIVENS,
DECEASED,

Plaintiff,

v.

Civil Action No. 1:23-CV-00003

ANTHONY RAYMOND KELLY, *et al.*,

Defendants.

PLAINTIFF'S PROPOSED VERDICT FORM

LIABILITY

Negligence

Do you find that the plaintiff, KYMBERLY HOBBS, ADMINISTRATOR OF THE ESTATE OF CHARLES JAMES GIVENS, DECEASED, has established by a preponderance of the evidence that:

Defendant ANTHONY RAYMOND KELLY was negligent?

Yes No (circle one)

Defendant GREGORY SCOTT PLUMMER was negligent?

Yes No (circle one)

Defendant JOSHUA CALEB JACKSON was negligent?

Yes No (circle one)

Defendant WILLIAM ZACHARY MONTGOMERY was negligent?

Yes No (circle one)

Defendant SAMUEL DALE OSBORNE was negligent?

Yes No (circle one)

Gross Negligence

Do you find that the plaintiff, KYMBERLY HOBBS, ADMINISTRATOR OF THE ESTATE OF CHARLES JAMES GIVENS, DECEASED, has established by a preponderance of the evidence that:

Defendant ANTHONY RAYMOND KELLY was grossly negligent?

Yes No (circle one)

Defendant GREGORY SCOTT PLUMMER was grossly negligent?

Yes No (circle one)

Defendant JOSHUA CALEB JACKSON was grossly negligent?

Yes No (circle one)

Defendant WILLIAM ZACHARY MONTGOMERY was grossly negligent?

Yes No (circle one)

Defendant SAMUEL DALE OSBORNE was grossly negligent?

Yes No (circle one)

Willful and Wanton Negligence

Do you find that the plaintiff, KYMBERLY HOBBS, ADMINISTRATOR OF THE ESTATE OF CHARLES JAMES GIVENS, DECEASED, has established by a preponderance of the evidence that:

Defendant ANTHONY RAYMOND KELLY was willfully and wantonly negligent?

Yes No (circle one)

Defendant GREGORY SCOTT PLUMMER was willfully and wantonly negligent?

Yes No (circle one)

Defendant JOSHUA CALEB JACKSON was willfully and wantonly negligent?

Yes No (circle one)

Defendant WILLIAM ZACHARY MONTGOMERY was willfully and wantonly negligent?

Yes No (circle one)

Defendant SAMUEL DALE OSBORNE was willfully and wantonly negligent?

Yes No (circle one)

Deliberate Indifference - Medical

Do you find that the plaintiff, KYMBERLY HOBBS, ADMINISTRATOR OF THE ESTATE OF CHARLES JAMES GIVENS, DECEASED, has established by a preponderance of the evidence that the following was deliberately indifferent to a serious medical need of Charles Givens, in violation of the Eighth Amendment?

Defendant ANTHONY RAYMOND KELLY

Yes No (circle one)

Defendant GREGORY SCOTT PLUMMER

Yes No (circle one)

Defendant WILLIAM ZACHARY MONTGOMERY

Yes No (circle one)

Defendant JOSHUA CALEB JACKSON

Yes No (circle one)

Defendant SAMUEL DALE OSBORNE

Yes No (circle one)

Deliberate Indifference – Failure to Intervene

Do you find that the plaintiff, KYMBERLY HOBBS, ADMINISTRATOR OF THE ESTATE OF CHARLES JAMES GIVENS, DECEASED, has established by a preponderance of the evidence that the following failed to intervene to prevent serious harm to Charles Givens, in violation of the Eighth Amendment?

Defendant SAMUEL DALE OSBORNE

Yes No (circle one)

Excessive Force

Do you find that the plaintiff, KYMBERLY HOBBS, ADMINISTRATOR OF THE ESTATE OF CHARLES JAMES GIVENS, DECEASED, has established by a preponderance of the evidence that the following used excessive force on Charles Givens, in violation of the Eighth Amendment?

Defendant ANTHONY RAYMOND KELLY

Yes No (circle one)

Defendant GREGORY SCOTT PLUMMER

Yes No (circle one)

Defendant WILLIAM ZACHARY MONTGOMERY

Yes No (circle one)

Defendant JOSHUA CALEB JACKSON

Yes No (circle one)

If you answered “no” to all of the above questions, your job is finished. The jury foreperson should turn to the certification section at the end of these pages, sign and date the document, and signal the courtroom deputy that your deliberations have ended.

If you answered “yes” to any (or all) of the above questions, you must also answer the following questions, which will establish the amount of damages to be awarded to the Plaintiff.

COMPENSATORY DAMAGES

We find that Plaintiff KYMBERLY HOBBS, ADMINISTRATOR OF THE ESTATE OF CHARLES JAMES GIVENS, DECEASED, has established, by a preponderance of the evidence, that she is entitled to the following sum as compensatory damages against the Defendants found liable above (for negligence, gross negligence, willful and wanton negligence, deliberate indifference, and/or excessive force):

\$ _____

PUNITIVE DAMAGES - WILLFUL AND WANTON CONDUCT

We find that Plaintiff KYMBERLY HOBBS, ADMINISTRATOR OF THE ESTATE OF CHARLES JAMES GIVENS, DECEASED, has established, by a preponderance of the evidence, that she is entitled to the following sum as punitive damages against the following Defendants:

ANTHONY RAYMOND KELLY	\$ _____
GREGORY SCOTT PLUMMER	\$ _____
WILLIAM ZACHARY MONTGOMERY	\$ _____
JOSHUA CALEB JACKSON	\$ _____
SAMUEL DALE OSBORNE	\$ _____

PUNITIVE DAMAGES - DELIBERATE INDIFFERENCE and/or EXCESSIVE FORCE

We find that Plaintiff KYMBERLY HOBBS, ADMINISTRATOR OF THE ESTATE OF CHARLES JAMES GIVENS, DECEASED, has established, by a preponderance of the evidence, that she is entitled to the following sum as punitive damages against the following Defendants:

ANTHONY RAYMOND KELLY	\$ _____
GREGORY SCOTT PLUMMER	\$ _____
WILLIAM ZACHARY MONTGOMERY	\$ _____
JOSHUA CALEB JACKSON	\$ _____
SAMUEL DALE OSBORNE	\$ _____

KYMBERLY HOBBS IS THE SOLE STATUTORY BENEFICIARY

We award the foregoing damages to KYMBERLY HOBBS, the Decedent's sole statutory beneficiary.

Interest

We award the Plaintiff interest as provided by law from February 5, 2022 to date.

CERTIFICATION

I certify that the foregoing responses represent the unanimous verdict of the jury empaneled to consider this matter.

DATE

SIGNATURE OF FOREPERSON